

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BLUEFIELD

BLAKE SANDLAIN,

Plaintiff,

v.

CIVIL ACTION NO. 1:20-00790

FCI MCDOWELL WARDEN,

Defendant.

MEMORANDUM OPINION AND ORDER

By Standing Order, this action was referred to United States Magistrate Judge Omar J. Aboulhosn for submission of findings and recommendation regarding disposition pursuant to 28 U.S.C.A. § 636(b)(1)(B). Magistrate Judge Aboulhosn submitted to the court his Findings and Recommendation on June 9, 2021, in which he recommended that the district court deny Sandlain's motion for Writ of Mandamus and remove this matter from the court's docket.

In accordance with the provisions of 28 U.S.C.A. § 636(b), the parties were allotted fourteen days, plus three mailing days, in which to file any objections to Magistrate Judge Aboulhosn's Findings and Recommendation. The failure of any party to file such objections constitutes a waiver of such party's right to a de novo review by this court. Snyder v. Ridenour, 889 F.2d 1363 (4th Cir. 1989).

The parties failed to file any objections to the Magistrate Judge's Findings and Recommendation within the

allotted time period. Instead, on July 9, 2021, Sandlain filed a "Motion to Request that Mandamus is Put on Hold," asking the court to stay this proceeding until his compassionate release motion in the Eastern District of Michigan is decided. ECF No. 13. While Sandlain's transfer might have entitled him to a modest extension of time in which to file objections, he is not entitled to an indefinite stay of proceedings. Therefore, his motion to put this matter on hold is **DENIED**.*

Having reviewed the Findings and Recommendation filed by Magistrate Judge Aboulhosn, the court adopts the findings and recommendations contained therein. Accordingly, the court hereby **DENIES** Sandlain's motion for Writ of Mandamus and directs the Clerk to remove this matter from the court's docket.

The Clerk is directed to forward a copy of this Memorandum Opinion and Order to plaintiff, pro se, and counsel of record.

IT IS SO ORDERED this 23rd day of September, 2021.

ENTER:



David A. Faber

Senior United States District Judge

* The docket in the Eastern District of Michigan matter indicates that Sandlain's compassionate release hearing was held more than a month ago, on August 13, 2021. Furthermore, the BOP Inmate Locator shows that Sandlain is currently housed at FCI Milan in Milan, Michigan. Therefore, there does not appear to be any impediment to Sandlain's ability to respond to the PF&R in this case.